Court No.1.

Civil Misc. Writ Petition No. 2155 (S/S) of 2001
(Old No. 21438 of 1999)

Kushal Singh Pawar & Seven Ors. .....Petitioner.

Versus

The Principal Secretary, Hill
Development U.P. Govt. Lucknow
and four others. .....Respondents.

Hon'ble P.C. Verma,J.

This writ petition has been filled by the petitioners seeking writ of certiorari to quash the impugned order dated 09.1.1998 passed by the respondent No.1, by which the representations of the petitioners have been rejected.

The claim of the petitioners in their representations was that they should be paid salary from the date of their termination till the date of their absorption. The termination order was challenged by the petitioners in the Writ Petitions bearing Nos. 24508 of1991, 24518 of 1991,24531 of 1991, 24527 of 1991, 24510 of 1991, 5886 of 1992, 24509 of 1991 and 24523 of 1991 respectively in the High Court, Allahabad.

According to the petitioners, there was interim order that the petitioners shall continue to work on the posts on which they were working and they will be paid salary regularly. Ultimately, the writ petitions were allowed. Termination order dated 29.1.1992 was quashed. After quashing the termination order, direction was issued to absorb the petitioners. Accordingly, the petitioners were absorbed and they are working. The present dispute

relates to the payment of salary from the period of their termination till the date of absorption.

Learned counsel for the petitioners submits that after the interim order granted by the High Court, Allahabad, petitioners continued to work and in support of this averment, the petitioners have annexed the attendance register of the Department as well as the letter of the Project Director.

In view of these documentary evidence, the reason given in the rejection order that the petitioners are not entitled for payment of salary as they have not worked, is without application of mind to these facts.

In view of above, the writ petition is allowed. The rejection orders dated 09.1.1998, contained in Annexures Nos. 1 to 1-G to the writ petition, are hereby quashed. The respondents are directed to pay the arrears of the salary to the petitioners within a period of six months from the date of production of certified copy of this order, in instalments.

17.9.2001 Sd/-
P.Singh